

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SHAWN KEVIN SMAAGE,

Petitioner,

vs.

JIM SALMONSEN; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

Cause No. CV 22-78-H-SEH

ORDER

This case was dismissed on October 21, 2022.¹ On the same day, Petitioner Smaage filed a notice that he had applied for sentence review on October 10, 2022.² The federal limitations period for sentence review expired long before then.³ A certificate of appealability is denied.⁴

ORDERED:

1. Smaage's notice of October 21, 2022,⁵ construed as an addition to his

¹ Doc. 7.

² Smaage did not mention this fact in his October 19 response to the Order to Show Cause (Doc. 4). *See* Doc. 6 at 1–27; Doc. 6-1 at 1–2.

³ Docs. 4 at 3–5, 7 at 1–3.

⁴ 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing § 2254 Cases; *Gonzalez v. Thaler*, 565 U.S. 134, 140–41 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

⁵ Doc. 9.

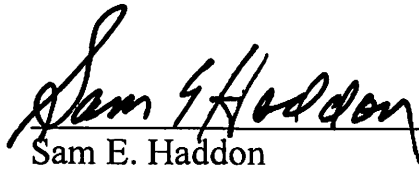
response of October 21, 2022,⁶ is **DENIED**.

2. The petition⁷ remains **DISMISSED WITH PREJUDICE**.

3. The clerk shall re-enter judgment by separate document in favor of Respondent and against Petitioner.

4. A certificate of appealability is **DENIED**.

DATED this 27th day of October, 2022.

A handwritten signature in black ink, appearing to read "Sam E. Haddon", is written over a horizontal line.

Sam E. Haddon
United States District Court

⁶ Doc. 6.

⁷ Doc. 1.